

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

RANDY L. ROBERTS,)
Plaintiff,)
Vs.) Civil Action No. 1:13CV115
CAROLYN W. COLVIN,)
Acting Commissioner of Social Security,)
Defendant.)

ORDER

The Defendant, Carolyn W. Colvin, Acting Commissioner of Social Security, has moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing her decision with a remand of the cause for further administrative proceedings.

On remand, the Administrative Law Judge (“ALJ”) will be directed to do the following:

1) update the medical record; 2) further evaluate Plaintiff’s mental impairments in accordance with the special technique described in 20 C.F.R. § 416.920a; 3) further evaluate Plaintiff’s residual functional capacity; 4) further evaluate the opinion evidence, including Exhibits 61F and 85F; 5) further evaluate Plaintiff’s subjective complaints; and 6) if warranted by the expanded record, obtain supplemental evidence from a vocational expert to clarify the effect of the assessed limitations on Plaintiff’s occupational base. In addition, since there is evidence of polysubstance abuse, the ALJ will determine whether Plaintiff is under a disability, taking into consideration all of his impairments, including drug addiction and/or alcoholism, following the sequential evaluation process outlined in 20 C.F.R. § 416.920. If Plaintiff is found disabled, the ALJ will determine whether his drug addiction and/or alcoholism is material to the determination of disability in accordance with 20 C.F.R. § 416.935 and Social Security Ruling 13-2p.

Pursuant to the power of this Court to enter a judgment reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), this Court hereby REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

Signed: October 21, 2013



Graham C. Mullen
United States District Judge

